

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
AMTROL HOLDINGS, INC., *et al.*, ) Case No. 06-11446 (KG)  
) (Jointly Administered)  
Reorganized Debtors. )  
) Related to D.I. 677 and 678

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NOTICE OF APPEAL

KENNETH ELDER, SR., BARBARA ELDER, LI H. E , by his  
mother and next friend, Rose Jansen, and Al N. El , by her  
mother and next friend, Jeanine Valianos (collectively, the "Elder Family"),  
Claimants in the above-captioned bankruptcy proceedings, by and through their  
undersigned attorneys, appeal under 28 U.S.C. §158(a) from the Order of the  
United States Bankruptcy Court for the District of Delaware entered on the 1<sup>st</sup>  
day of April, 2008 (a) denying the Elder Family's motion for abstention and (b)  
referring the Debtors' claim objections to the United States District Court for the  
District of Delaware for a determination of whether the Elder Family's claims  
should be adjudicated in the United States District Court for the District of  
Delaware or the United States District Court for the Eastern District of Missouri.

The names of all parties to the judgment, order, or decree appealed from  
and the names, addresses and telephone numbers of their respective attorneys  
are as follows:

**Parties:**

KENNETH ELDER, SR., BARBARA ELDER, L. H. F., by his mother and next friend, and A. A. N. E., by her mother and next friend

**Attorneys of Record:**

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AMTROL HOLDINGS, INC.,  
AMTROL, INC., and AMTROL  
INTERNATIONAL INVESTMENTS  
INC.

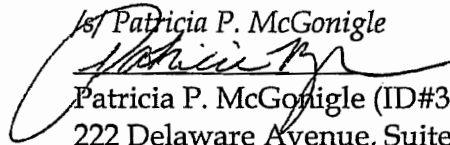
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Respectfully submitted,

SEITZ, VAN OGTROP & GREEN, P.A.

/s/ Patricia P. McGonigle



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Counsel for the Elder Family

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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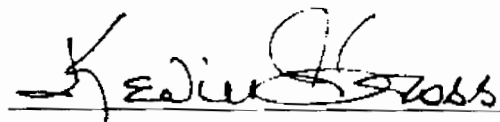
In re	)	Chapter 11
	)	
AMTROL HOLDINGS, INC., <i>et al.</i> ,	)	Case No. 06-11446(KG)
	)	(Jointly Administered)
Reorganized Debtors.	)	
_____		<b>Re: D.I. Nos. 442 and 577</b>

**ORDER**

The Court has carefully considered (1) the Reorganized Debtors' Third Omnibus Objection to Claims Pursuant to 11 U.S.C. § 502(b) and Fed.R.Bankr.P. 3007 [Books and Records - Substantive], dated June 27, 2007 ("the Claims Objection") (D.I. 442), applicable to the claims ("the Elder Claims") of Kenneth Elder, Sr. and Barbara Elder, jointly, L H. E and A i t N e E ("the Elders"); and (2) the Elders' Motion for Abstention ("the Abstention Motion") (D.I. 577). For the reasons contained in the Court's Memorandum Opinion of even date, IT IS ORDERED that:

1. The Claims Objection is DENIED, and the Elder Claims are to be adjudicated on the merits.
2. The Abstention Motion is DENIED.
3. The matter is referred to the United States District Court for the District of Delaware to determine pursuant to 28 U.S.C. § 157(b)(5) whether the Elder Claims should be adjudicated in this District or the district court in the district in which the litigation underlying the Elder Claims is pending.

Dated: April 1, 2008

  
KEVIN GROSS, U.S.B.J.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

APPEAL TRANSMITTAL SHEET

08-281

Case Number: 06-11446 ☒ BK ☐ AP

If AP, related BK Case Number: \_\_\_\_\_

Title of Order Appealed:

Order Denying The Claims Objection and Denying the Abstention Motion

Docket Number: 678

Date Entered: 4/01/2008

Item Transmitted: ☒ Notice of Appeal

☐ Motion for Leave to Appeal

☐ Amended Notice of Appeal

☐ Cross Appeal

Docket Number: 679

Date Filed: 4/10/2008

\*Appellant/Cross Appellant:

The Elder Family

\*Appellee/Cross Appellee

Amtrol Holdings, Inc., et. al. ■

Counsel for Appellant:

Patricia P. McGonigle ■

Counsel for Appellee:

William E. Chipman, Jr.

Steven M. Wallace ■

Stuart M. Brown

Alan G. Pirtle ■

Mark D. Olivere

R. Craig Martin

Steven Maassen

*\*If additional room is needed, please attach a separate sheet.*

Filing Fee paid? ☒ Yes ☐ No

IFP Motion Filed by Appellant? ☐ Yes ☐ No

Have Additional Appeals to the Same Order been Filed? ☒ Yes ☐ No

If so, has District Court assigned a Civil Action Number? ☐ Yes ☒ No Civil Action # \_\_\_\_\_

Additional Notes:

5/14/2008  
Date

By: Anissa Cothran  
Deputy Clerk

Bankruptcy Court Appeal (BAP) Number: 08-20  
7/6/06

FOR USE BY U.S. BANKRUPTCY COURT